

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

EIGHTY-EIGHTH LEGISLATIVE DAY
THURSDAY, APRIL 6, 2006

Senate Chamber

President Pro Tempore called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Coiner, Fulcher, Gannon, Stegner, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kent Johnson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 5, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 6, 2006

The JUDICIARY AND RULES Committee reports that **S 1491**, **S 1493**, and **SCR 136** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1491**, **S 1493**, and **SCR 136** and ordered them transmitted to the House for the signature of the Speaker.

April 6, 2006

The FINANCE Committee reports out **H 869**, **H 870**, **H 871**, **H 872**, **H 873**, **H 874**, and **H 875** without recommendation.

CAMERON, Chairman

H 869, **H 870**, **H 871**, **H 872**, **H 873**, **H 874**, and **H 875** were filed for second reading.

Senators Burkett, Cameron, Coiner, Gannon, Stegner, and Sweet were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Fulcher was recorded present at this order of business.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 876** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 876** was read the second time by title and the third time at length, section by section, and put upon its final passage.

Moved by Senator Schroeder, seconded by Senator Langhorst, that **H 876** be laid on the table.

Roll call vote was requested by Senators Stennett, Werk, and Burkett.

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Coiner, Gannon, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Sweet, Werk. Total - 13.

NAYS--Brandt, Broadsword, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Williams. Total - 21.

Absent and excused--Fulcher. Total - 1.

Total - 35.

Whereupon, the President Pro Tempore announced that the motion to lay **H 876** on the table did not prevail.

H 876 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burtenshaw, Cameron, Compton, Goedde, Hill, Jorgenson, Keough, Lodge, McKenzie, Pearce, Richardson, Stegner, Williams. Total - 15.

NAYS--Andreason, Bunderson, Burkett, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Kelly, Langhorst, Little, Malepeai, Marley, McGee, Schroeder, Stennett, Sweet, Werk. Total - 20.

Total - 35.

Whereupon the President Pro Tempore declared that **H 876** had failed to pass the Senate, and ordered the bill returned to the House.

April 6, 2006

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Mr. President:

I return herewith Enrolled **S 1441**, as amended, as amended in the House, which has been signed by the Speaker.

Messages from the House

JUKER, Chief Clerk

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:40 p.m. until the hour of 2 p.m. of this day.

Enrolled **S 1441**, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

RECESS AFTERNOON SESSION

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

The Senate reconvened at 2 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Reports of Standing Committees

April 6, 2006

Roll call showed all members present except Senators Burkett, Cameron, Fulcher, Keough, Langhorst, Lodge, Malepeai, Marley, McKenzie, Pearce, and Stegner, absent and excused.

The JUDICIARY AND RULES Committee reports that **S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500** have been correctly enrolled.

Prior to recess the Senate was at the Ninth Order of Business, Messages from the House.

DARRINGTON, Chairman

April 6, 2006

Mr. President:

The President Pro Tempore signed Enrolled **S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500** and ordered them transmitted to the House for the signature of the Speaker.

I transmit herewith **H 877** which has passed the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

JUKER, Chief Clerk

H 877 was filed for first reading.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

April 6, 2006

Mr. President:

H 877, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

I return herewith **S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500** which have passed the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

JUKER, Chief Clerk

S 1462, S 1494, S 1495, S 1496, S 1497, S 1498, S 1499, and S 1500 were referred to the Judiciary and Rules Committee for enrolling.

Second Reading of Bills

April 6, 2006

Mr. President:

Senators Burkett, Cameron, Fulcher, Keough, Langhorst, Lodge, Malepeai, Marley, McKenzie, Pearce, and Stegner were recorded present at this order of business.

I transmit herewith Enrolled **H 422**, as amended, as amended in the Senate, and **H 868** for the signature of the President.

Suspension of Rules

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 422**, as amended, as amended in the Senate, and **H 868** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1501** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1501** was read the second time by title and the third time at length, section by section, and put upon its final passage.

S 1501 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 32.

NAYS--Burtenshaw, Jorgenson. Total - 2.

Absent and excused--Williams. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1501** passed the Senate, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 869** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 869** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 869 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 32.

NAYS--None.

Absent and excused--Malepeai, Pearce, Williams. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 869** passed the Senate, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 870** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all

bills to be read on three several days were dispensed with, this being a case of urgency, and **H 870** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 870 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 34.

NAYS--None.

Absent and excused--Williams. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 870** passed the Senate, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 871** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 871** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 871 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Sweet, Werk. Total - 26.

NAYS--Brandt, Burtenshaw, Cameron, Hill, Pearce, Richardson, Williams. Total - 7.

Absent and excused--Burkett, Stennett. Total - 2.

Paired and voting included in roll call:

AYE - McGee NAY - Pearce

Total - 35.

Whereupon the President Pro Tempore declared **H 871** passed the Senate, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Keough to the Chair.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 872** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 872** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 872 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Coiner, Compton, Darrington, Gannon, Goedde, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, Schroeder, Stennett, Werk. Total - 19.

NAYS--Brandt, Burtenshaw, Cameron, Corder, Davis, Fulcher, Geddes, Hill, Little, McKenzie, Richardson, Stegner, Sweet, Williams. Total - 14.

Absent and excused--Burkett, Pearce. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 872** passed the Senate, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 873** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 873** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 873 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burtenshaw, Cameron, Coiner, Compton, Darrington, Davis, Gannon, Goedde, Jorgenson, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Schroeder, Stegner, Sweet, Williams. Total - 23.

NAYS--Bunderson, Burkett, Corder, Fulcher, Geddes, Hill, Kelly, Malepeai, Pearce, Richardson, Stennett, Werk. Total - 12.

Paired and voting included in roll call:

AYE - McGee NAY - Pearce

Total - 35.

Whereupon the Acting President declared **H 873** passed the Senate, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 874** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 874** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 874 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Jorgenson, Keough, Langhorst, Lodge, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Corder, Hill, Kelly, Malepeai, Pearce, Werk. Total - 7.

Absent and excused--Fulcher, Little, Stennett. Total - 3.

Paired and voting included in roll call:

AYE - Darrington NAY - Pearce

Total - 35.

Whereupon the Acting President declared **H 874** passed the Senate, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 875** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 875** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 875 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Pearce. Total - 1.

Paired and voting included in roll call:

AYE - Little NAY - Pearce

Total - 35.

Whereupon the Acting President declared **H 875** passed the Senate, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 6, 2006

The HEALTH AND WELFARE Committee reports out **H 877** with the recommendation that it do pass.

COMPTON, Chairman

H 877 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 877** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 877** was read the second time by title, and the third time at length, section by section, and put upon its final passage.

H 877 was read the second time by title, and the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 877** passed the Senate, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 4:30 p.m. until the hour of 10 a.m., Friday, April 7, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary